

BY-LAWS
CITY PLANNING COMMISSION
HAMPTON, VIRGINIA

Introduction

This Commission was established September 1952, by Ordinance which states in part that the Planning Commission shall have the functions, powers, and duties which are prescribed by law.

The following numbered sections are extracted from the Code of Virginia 1950, as amended in 1964, and reflect the requirement of the Code:

1. Fixing the time for holding regular meeting (15.1-439).
2. Special meetings may be called by the Chairman or by two members upon written request to the Secretary.
3. Special meetings of the Commission may be called by the Chairman or by two members upon written request to the Secretary. The Secretary shall mail to all members, at least five days in advance of a special meeting, a written notice fixing the time and place of the meeting and the purpose thereof. Written notice of a special meeting is not required if the time of the special meeting has been fixed at a regular meeting or if all members are present at the special meeting or file a written waiver of notice.

A majority of the members shall constitute a quorum and no action of the Commission shall be valid unless authorized by a majority vote of those present and voting (15.1-440).

(1) The Commission shall elect from the appointed members a Chairman and a Vice-Chairman whose terms shall be for one year (15.1-442). No member of the Commission shall hold any one office for two consecutive years.

- (2) If authorized by the (governing body) City Council, the Commission may:
 - (a) create and fill such other offices as it deems necessary;
 - (b) appoint such employees and staff as it deems necessary for its work; and

- (c) contract with consultants for such services as it requires.

The expenditures of the Commission, exclusively of gifts or grants, shall be within the amounts appropriated for such purposes by the City Council (15.1-445).

The Commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record.

To effectuate this act, the Commission shall (15.1-444):

- (a) Exercise general supervision of, and make regulations for, the administration of its affairs.

- (b) Prescribe rules pertaining to its investigations and hearings;

- (c) Supervise its fiscal affairs and responsibilities under rules and regulations as prescribed by the City Council;

- (d) Keep a complete record of its proceedings and be responsible for the custody and preservation of its papers and documents;

- (e) Make recommendations and an annual report to the governing body concerning the operation of the Commission and the status of planning within its jurisdiction;

- (f) Prepare, publish and distribute reports, ordinances, and other material relating to its activities;

- (h) If deemed advisable, establish an advisory committee or committees.

The Commission may expend, under regular municipal procedure as provided by law, sums appropriated to it for its purposes and activities (15.1-445).

RULE I

ELECTION AND DUTIES OF OFFICERS OF THE COMMISSION

a. At each regular September meeting, the Commission shall elect from its membership a Chairman and Vice-Chairman to serve for one term. Those members shall serve in such capacity unless they resign or are removed from office. Should such a vacancy occur, the office shall be filled at the next regular meeting by election from the membership. Should both offices be vacant, the Secretary shall preside until the election can be held.

b. The Chairman shall preside over the meetings of the Commission, with the same powers and duties as the other members, with vote but no veto power. He shall be the official head of the Commission and shall perform such other duties not inconsistent with his office as may be imposed by the Commission. The affairs of the Commission shall be under the general direction of the Chairman. The Chairman in making a motion shall vacate as presiding officer and make a motion as any other member. He shall call the meetings to order promptly at the hour for holding such meetings and, if a quorum be present, shall cause the minutes of the preceding meeting to be read, after which same shall be approved unless a member calls for some correction in said minutes.

c. The Vice-Chairman, in the absence or disability of the Chairman, and while acting as Chairman, shall be invested with all the authority and duties of the Chairman.

d. In the absence of both the Chairman and Vice-Chairman, the Commission shall elect by a majority vote a member as Acting Chairman, who shall preside over the meeting and shall, while acting as Chairman, be invested with all the authority and duties of the Chairman.

RULE II

MEETINGS OF THE COMMISSION

I. Regular.

a. The meeting of the Commission will be open to the public. They shall be held in the City Hall of the City of Hampton, or such other place as designated by the Chairman, at 3:30 p.m. on the second Monday in each month. The regular meeting of the Commission shall be held as designated above unless such date falls upon a legal holiday, in which case, the meeting shall be held on the next succeeding Monday, which

is not a legal holiday, and at the same hour, except as otherwise provided by special resolution of the Commission.

The Commission, by resolution adopted at a regular meeting, may also fix the day or days to which any meeting shall be continued if the chairman, or vice chairman if the chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted as the continued meeting and no further advertisement is required. The Commission shall cause a copy of such resolution to be inserted in a newspaper having general circulation in the locality at least seven days prior to the first meeting held pursuant to the adopted schedule.

No new business may be brought before the Commission after 5:00 p.m.

b. Persons wishing to have the privilege of the floor before the Commission, other than at a public hearing, shall request such privilege in writing prior to the meeting date and upon invitation of the Chairman, providing such may be waived by the Chairman at his discretion.

II. Special

a. The Chairman or any two members of the Commission may direct the Secretary to call a special meeting of the Commission at any time upon at least five days notice to each member, personally notified at his usual place of business or residence.

b. No special meeting open to the public shall be held unless it be called or authorized by a majority vote of the Commission. When any such special meeting for the public is held, public notice shall be given as required by the statute.

III. Executive or Closed Meetings.

a. Executive or closed meetings may be held only in accordance with the Virginia Freedom of Information Act.

IV. Public Hearings

a. Public hearings shall not be held unless it be called or authorized by a majority vote of the Commission. When any such public hearing is to be held, public notice shall be given as required by the State Code.

b. At a public hearing, persons who desire to be heard shall when recognized by the Chairman proceed to the appointed place, state their name, address,

address of property to be referred to, and in the case of an agent or representative speaking for more than one location, furnish a written list giving names and addresses. Any questions asked of the person who is being heard, other than those from the Commissioners, shall be directed to the Chairman of the Commission.

RULE III

ORDER OF BUSINESS

- a. At every regular meeting the order of business shall be as follows:
 - 1. Roll Call.
 - 2. Consideration of minutes of previous meeting.
 - 3. Agenda for meeting to be as prepared by the Secretary, as directed by the Chairman, and to include all items of which he has been notified at least five (5) days before the meeting.
 - 4. Director's Report
 - 5. Items to be Presented by the Public.
 - 6. Matters by the Commissioners.
- b. The order of business at special meetings shall be as follows:
 - 1. Roll Call.
 - 2. Reading of Call for Special Meeting, if written, or stated, if verbal.
 - 3. Discussion of business on agenda in order given on agenda.
- c. The order of business at regular or special meetings shall not be departed from except by the consent of the majority of members attending.

RULE IV

PROCEDURE

a. Four members shall constitute a quorum for the transaction of business. In the absence of a quorum, at the expiration of fifteen minutes from the time appointed for the meeting, the Secretary shall enter upon the minutes the names of the members present, and the meeting shall stand ipso facto adjourned until the next regular meeting or until a new call is issued in the regular way, if it be a special meeting.

b. No motion for reconsideration shall be in order, except by consent of at least four (4) members of the entire Commission, but no motion to reconsider shall be entertained, unless the same is made by one of the members voting with the prevailing side.

c. Upon all procedural questions not covered by the By-Laws or State law, the general rule of parliamentary procedure (Robert's Rules of Order, Newly Revised) shall govern.

d. Any member wishing to abstain from voting or any matter before the body shall state for the record the reason for such abstention.

RULE V

DUTIES OF THE SECRETARY OF THE COMMISSION

a. The Commission shall designate a regular staff member or other employee to serve, in addition to his regular duties, as Secretary to the Commission; he shall attend all regular and special meetings of the Commission, as well as the meetings of any special committee of the Commission if required. The Secretary shall record the proceedings of the Commission meeting in a journal, which is provided for that purpose, and the same shall be properly indexed.

b. The Secretary shall perform such other clerical and administrative duties on behalf of the Commission or its members as the Commission may by resolution prescribe.

c. The Secretary shall keep a roll of the Commission and shall enter thereon the names of the members in inverse order according to their length of service with the Commission, except the member of the administrative branch, a member of the governing body, and the Chairman, who shall be last. In the event two members shall have the same length of service, alphabetical order shall be used (after inverse order). He shall use this roll in the above order in recording all votes which are required to be recorded.

d. If the Secretary requires clerical assistance at any of the Commission's meetings, he may with the approval of the Chairman bring whatever assistance he requires.

RULE VI

CONFLICT OF INTEREST

The Planning Commission shall comply with the State and Local government Conflict of Interest Act (Section 2:1-639.1 et seq of the Code of Virginia of 1950 as amended).

RULE VII

COMMITTEES

a. Special committees may be established by the Commission to make studies or carry out functions of the Commission.

RULE VIII

AMENDMENT OF BY-LAWS

a. The rules of the By-Laws may be amended at any meeting by affirmative vote of at least five (5) members, but not until it has been proposed and read in full at a prior meeting. Any recommendation or plan submitted to the Commission shall be by a majority vote of the entire Commission.

(Amended August 2003)